

HOUSE BILL 1238

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CF 8lr3801

By: **Delegates Hettleman, B. Barnes, Brooks, Kelly, Krimm, Lam, Lisanti,
A. Miller, Moon, Morales, Queen, Sydnor, Tarlau, K. Young, and P. Young**
Introduced and read first time: February 8, 2018
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Sexual Assault Response Training – Requirements and**
3 **Grant Program**

4 FOR the purpose of requiring each institution of higher education, beginning in a certain
5 academic year, to provide certain annual sexual assault response training to certain
6 employees, contractors, or enrolled students who may be involved in certain actions;
7 requiring each institution of higher education to provide certain training for a
8 minimum number of hours to certain employees; authorizing the institution of
9 higher education to combine certain training required for certain individuals;
10 requiring certain training to include certain information; requiring an institution of
11 higher education to provide a copy of the training to certain organizations on request;
12 requiring each institution of higher education to report the costs of compliance with
13 certain provisions of law as a separate line item in its budget; establishing the Sexual
14 Assault Response Training at Institutions of Higher Education Grant Program;
15 establishing the purpose of the Program; requiring the Maryland Higher Education
16 Commission to administer the Program; requiring the Commission to prioritize
17 certain proposals for certain training programs; requiring the Governor to include at
18 least a certain amount in the annual State budget for the Program; requiring the
19 Commission to adopt certain regulations; defining certain terms; and generally
20 relating to requirements for sexual assault response training at institutions of higher
21 education and the Sexual Assault Response Training at Institutions of Higher
22 Education Grant Program.

23 BY repealing and reenacting, without amendments,
24 Article – Education
25 Section 11–601(a)
26 Annotated Code of Maryland
27 (2014 Replacement Volume and 2017 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Article – Education
2 Section 11–602 and 11–603
3 Annotated Code of Maryland
4 (2014 Replacement Volume and 2017 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
6 That the Laws of Maryland read as follows:

7 **Article – Education**

8 11–601.

9 (a) (1) By August 1, 1993, the governing body of each institution of higher
10 education shall adopt and submit to the Commission a written policy on sexual assault.

11 (2) The policy adopted under paragraph (1) of this subsection shall apply
12 to each student, faculty member, and employee of the institution and inform the students,
13 faculty members, and employees of their rights and duties under the policy.

14 **11–602.**

15 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (2) “SURVIVOR–CENTERED” MEANS A FOCUS ON THE NEEDS AND
18 CONCERNS OF A SURVIVOR OF SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING
19 VIOLENCE, OR STALKING THAT INCLUDES:

20 (I) THE COMPASSIONATE AND SENSITIVE DELIVERY OF
21 SERVICES IN A NONJUDGMENTAL MANNER;

22 (II) AN UNDERSTANDING OF HOW TRAUMA AFFECTS SURVIVOR
23 BEHAVIOR;

24 (III) MAINTENANCE OF SURVIVOR SAFETY, PRIVACY, AND IF
25 POSSIBLE, CONFIDENTIALITY; AND

26 (IV) THE RECOGNITION THAT A SURVIVOR IS NOT RESPONSIBLE
27 FOR SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING.

28 (3) “TRAUMA–INFORMED RESPONSE” MEANS A RESPONSE TO AN
29 INCIDENCE OF SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, OR
30 STALKING IN WHICH THE RESPONDER APPLIES TRAINING ON:

31 (I) THE NEUROBIOLOGICAL IMPACT OF TRAUMA;

1 **(II) THE INFLUENCE OF SOCIETAL MYTHS AND STEREOTYPES**
2 **REGARDING SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, OR**
3 **STALKING; AND**

4 **(III) THE BEHAVIORS OF PERPETRATORS OF SEXUAL VIOLENCE,**
5 **DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING.**

6 **(B) (1) BEGINNING IN THE 2018–2019 ACADEMIC YEAR, EACH**
7 **INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE ANNUAL SEXUAL ASSAULT**
8 **RESPONSE TRAINING THAT IS SURVIVOR–CENTERED AND INCLUDES**
9 **TRAUMA–INFORMED RESPONSES TO ANY EMPLOYEE, CONTRACTOR, OR ENROLLED**
10 **STUDENT OF THE INSTITUTION WHO, BECAUSE OF THEIR DUTIES AT THE**
11 **INSTITUTION, MAY BE INVOLVED IN:**

12 **(I) A STUDENT REPORT OF AN ALLEGED INCIDENT OF SEXUAL**
13 **VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING;**

14 **(II) THE REFERRAL OF OR PROVISION OF SERVICES TO A**
15 **SURVIVOR OF SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, OR**
16 **STALKING; OR**

17 **(III) A CAMPUS DISCIPLINARY PROCEDURE THAT RESULTS**
18 **FROM AN ALLEGED VIOLATION OF A SEXUAL ASSAULT POLICY ADOPTED UNDER §**
19 **11–601 OF THIS SUBTITLE.**

20 **(2) EACH INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE A**
21 **MINIMUM OF 8 HOURS OF THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS**
22 **SUBSECTION TO:**

23 **(I) TITLE IX COORDINATORS;**

24 **(II) MEMBERS OF THE INSTITUTION’S CAMPUS LAW**
25 **ENFORCEMENT UNIT OR CAMPUS SECURITY;**

26 **(III) ANY INDIVIDUAL RESPONSIBLE FOR INVESTIGATING**
27 **ALLEGED VIOLATIONS OF THE INSTITUTION’S SEXUAL ASSAULT POLICY; AND**

28 **(IV) ANY INDIVIDUAL RESPONSIBLE FOR DETERMINING**
29 **WHETHER A VIOLATION OF THE INSTITUTION’S SEXUAL ASSAULT POLICY**
30 **OCCURRED.**

31 **(3) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS**

1 SUBSECTION MAY BE COMBINED WITH TRAINING REQUIRED UNDER PARAGRAPH (2)
2 OF THIS SUBSECTION.

3 (4) THE TRAINING REQUIRED UNDER PARAGRAPHS (1) AND (2) OF
4 THIS SUBSECTION SHALL INCLUDE:

5 (I) THE POLICIES UNDER THIS SUBTITLE;

6 (II) THE RELEVANT FEDERAL AND STATE LAW CONCERNING
7 CIVIL REMEDIES FOR, PROHIBITIONS ON, AND CIVIL AND CRIMINAL PENALTIES FOR
8 SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING AT
9 INSTITUTIONS OF HIGHER EDUCATION;

10 (III) THE ROLE OF THE INSTITUTION OF HIGHER EDUCATION,
11 HEALTH CARE PROVIDERS, LAW ENFORCEMENT, RAPE CRISIS PROGRAMS, AND
12 LEGAL ADVOCACY OR REPRESENTATION IN ENSURING A COORDINATED RESPONSE
13 TO A REPORTED ALLEGATION OF SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING
14 VIOLENCE, OR STALKING;

15 (IV) THE EFFECTS OF TRAUMA ON A SURVIVOR OF SEXUAL
16 VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING;

17 (V) THE TYPES OF CONDUCT THAT CONSTITUTE A VIOLATION
18 OF THE SEXUAL ASSAULT POLICY;

19 (VI) CONSENT AND THE WAYS IN WHICH DRUG AND ALCOHOL
20 USE CAN AFFECT AN INDIVIDUAL'S ABILITY TO CONSENT;

21 (VII) THE WAYS TO COMMUNICATE COMPASSIONATELY AND WITH
22 CULTURAL SENSITIVITY WITH A SURVIVOR OF SEXUAL VIOLENCE, DOMESTIC
23 VIOLENCE, DATING VIOLENCE, OR STALKING; AND

24 (VIII) SERVICES AVAILABLE TO A SURVIVOR OF SEXUAL
25 VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING.

26 (C) ON THE REQUEST OF A FEDERALLY RECOGNIZED STATE SEXUAL
27 ASSAULT COALITION OR A LOCAL RAPE CRISIS PROGRAM, AN INSTITUTION OF
28 HIGHER EDUCATION SHALL PROVIDE A COPY OF THE TRAINING REQUIRED UNDER
29 SUBSECTION (B)(1) AND (2) OF THIS SECTION.

30 (D) EACH INSTITUTION OF HIGHER EDUCATION SHALL REPORT THE COSTS
31 OF COMPLIANCE WITH THIS SECTION AS A SEPARATE LINE ITEM IN ITS BUDGET.

1 **11-603.**

2 (A) **THERE IS A SEXUAL ASSAULT RESPONSE TRAINING AT INSTITUTIONS**
3 **OF HIGHER EDUCATION GRANT PROGRAM.**

4 (B) **THE PURPOSE OF THE PROGRAM IS TO AWARD GRANTS TO**
5 **INSTITUTIONS OF HIGHER EDUCATION TO DEVELOP AND IMPLEMENT PROGRAMS**
6 **RELATED TO SEXUAL ASSAULT PREVENTION AND RESPONSE, INCLUDING:**

7 (1) **TRAINING PROGRAMS UNDER § 11-602 OF THIS SUBTITLE;**

8 (2) **PROGRAMS TO PREVENT SEXUAL AND GENDER-BASED**
9 **HARASSMENT;**

10 (3) **THE PROVISION OF SERVICES FOR VICTIMS OF SEXUAL ASSAULT;**
11 **AND**

12 (4) **EDUCATION AND OUTREACH PROGRAMS TO PREVENT SEXUAL**
13 **ASSAULT.**

14 (C) **THE PROGRAM SHALL BE ADMINISTERED BY THE COMMISSION.**

15 (D) **TO CARRY OUT THE PURPOSE OF THE PROGRAM, THE COMMISSION**
16 **SHALL PLACE PRIORITY ON AWARDING GRANTS TO PROPOSALS FROM INSTITUTIONS**
17 **OF HIGHER EDUCATION THAT:**

18 (1) **DEMONSTRATE A NEED FOR ASSISTANCE; AND**

19 (2) **ENSURE SUSTAINABILITY OF THE INSTITUTION'S SEXUAL**
20 **ASSAULT RESPONSE PROGRAM AFTER TERMINATION OF GRANTS AWARDED UNDER**
21 **THIS SECTION.**

22 (E) **THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN ANNUAL**
23 **APPROPRIATION OF AT LEAST \$1,000,000 TO THE PROGRAM.**

24 (F) **THE COMMISSION SHALL ADOPT REGULATIONS NECESSARY TO**
25 **IMPLEMENT THIS SECTION.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2018.